



Atty. Dkt. No. 086142-0577

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hiroshi KAJIYAMA et al.

Title: SEAT LOAD MEASURING APPARATUS

Appl. No.: 10/644,042

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Examiner: Randy W. Gibson

Art Unit: 2841

PRE-APPEAL BRIEF REQUEST FOR REVIEW

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Commissioner for Patents
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Sir:

In accordance with the New **Pre-Appeal Brief Conference Pilot Program**, announced July 11, 2005, this Pre-Appeal Brief Request is being filed together with a Notice of Appeal.

REMARKS

The rejection of claims 1-3, 7 and 8 under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over EP 0990565 (“EP 565”) and the rejection of claims 4, 5, 6, 9 and 10 under 35 U.S.C. § 103(a) as being unpatentable over EP 565 in view of U.S. Patent No. 3,949,822 (“English”) or U.S. Patent No. 6,669,505 (“Wisniewski”) is presented for review. Claims 11-16 have been cancelled in an amendment filed concurrently with this request.

“A claim is anticipated only if each and every element set forth in the claims is found, either expressly or inherently described, in a single prior art reference.” (M.P.E.P. § 2131.) In the Office Action dated January 5, 2006, the Examiner took the position that the connector (25) of EP 565 reads on the claims. In the alternative, the Examiner asserts that “it would have been obvious to place a connector for the cable on the side of the sensor facing the outside of the seat.” Further, concerning claims 4-6 and 9-10, the Examiner asserted that “it is well known to place some type of guard over a plug to protect the leads from accidental mechanical damage when the plug is removed.” The rejection should be withdrawn because EP 565, English and Wisniewski (alone or in combination) do not disclose, teach or suggest each and every element of independent claim 1 either explicitly or inherently.

For example, EP 565 fails to disclose a seat load measuring apparatus “wherein the load sensor includes a distortion member which is distorted due to the load applied on said vehicle seat; and a plurality of strain gauges for detecting the distortion of said distortion member; and a sensor-side connector connected to the sensor adjacent to said plurality of strain gauges and adapted to be connected to a cable to carry a signal from the sensor to the control unit” as claimed in claim 1.

Instead, EP 565 discloses a simple device for detecting seat occupancy and an air bag device for a motor vehicle. As shown in figure 3, EP 565 discloses a plurality of weight sensors 21. Each weight sensor is attached to a cable 22 which feeds into a signal converter 23. The signal converter 23 is connected to a single connector 25 through a cable. EP 565

does not disclose an independent connector at any one of the sensors 21. For example, EP 565 does not disclose a connector “connected to the sensor adjacent the strain gages” as called for in claim 1. Thus, the structure disclosed in EP 565 provides only one connector for all weight sensors.

One disadvantage of this structure is that if the single connector malfunctions, data from the weight sensors cannot be captured. In contrast, the seat load measuring apparatus of the present invention is not completely crippled due to a single connector malfunction because of the redundancy provided by having a sensor-side connector for each load sensor. As claimed in claim 1, each load sensor is provided with a sensor-side connector adjacent to a plurality of strain gauges and adapted to be connected to a cable to carry a signal from the sensor to the control unit. Because the present invention does not rely upon a single, central connector as disclosed in EP 565, the control unit can still receive signals from one or more load sensors with operational sensor-side connectors if another sensor-side connector fails. Thus, the invention of claim 1 is not disclosed and the rejection should be withdrawn.

Each of claims 2-3, 7 and 10 depend from claim 1 and are therefore patentable for at least the reasons set forth above without regard to the further patentable limitations contained therein. These patentable limitations include, for example, “a plurality of front-side and rear-side rail brackets which are disposed near the front and rear ends of said base frame, respectively; a seat rail connected to said front-side and rear-side rail brackets which slides in the longitudinal direction of the vehicle; and a plurality of arms which are disposed on a front portion and a rear portion of said base frame, respectively to extend in the longitudinal direction” as claimed in claim 7. Thus, reconsideration and withdrawal of the rejection of claims 2-3, 7 and 10 is respectfully requested.

In addition, each of claims 4, 5, 6, 9 and 10 depend from claim 1 and are allowable for at least that reason. Further, English and Wisniewski fail to cure the deficiencies of EP 565. For example, neither EP 565, English or Wisniewski disclose, teach or suggest (alone or in combination) “a plurality of protective mechanisms that are disposed around said plurality of front and rear rail brackets, respectively, such that when the load applied between said base frame and said plurality of rail brackets exceeds a predetermined value, said plurality of

protective mechanisms directly transmit the excessive load between said base frame and said plurality of rail brackets not through said plurality of arms" as claimed in claim 9. Thus, reconsideration and withdrawal of the rejections of claims 4-6 and 9-10 is respectfully requested.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance.

Respectfully submitted,

Date 4/4/06

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